



Rep. Lakesia Collins

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10200HB3714ham002

LRB102 03960 SPS 24465 a

1 AMENDMENT TO HOUSE BILL 3714

2 AMENDMENT NO. _____. Amend House Bill 3714 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.32 and by adding Section 4.41 as follows:

6 (5 ILCS 80/4.32)

7 Sec. 4.32. Acts repealed on January 1, 2022. The following
8 Acts are repealed on January 1, 2022:

9 The Boxing and Full-contact Martial Arts Act.

10 The Cemetery Oversight Act.

11 The Collateral Recovery Act.

12 The Community Association Manager Licensing and
13 Disciplinary Act.

14 The Crematory Regulation Act.

15 The Detection of Deception Examiners Act.

16 The Home Inspector License Act.

1 The Illinois Health Information Exchange and Technology
2 Act.

3 The Medical Practice Act of 1987.

4 The Registered Interior Designers Act.

5 The Massage Licensing Act.

6 The Petroleum Equipment Contractors Licensing Act.

7 The Radiation Protection Act of 1990.

8 ~~The Real Estate Appraiser Licensing Act of 2002.~~

9 The Water Well and Pump Installation Contractor's License
10 Act.

11 (Source: P.A. 100-920, eff. 8-17-18; 101-316, eff. 8-9-19;
12 101-614, eff. 12-20-19; 101-639, eff. 6-12-20.)

13 (5 ILCS 80/4.41 new)

14 Sec. 4.41. Act repealed on January 1, 2032. The following
15 Act is repealed on January 1, 2032:

16 The Real Estate Appraiser Licensing Act of 2002.

17 Section 10. The Real Estate Appraiser Licensing Act of
18 2002 is amended by changing Sections 1-10, 5-5, 5-10, 5-15,
19 5-20, 5-20.5, 5-22, 5-25, 5-30, 5-35, 10-5, 10-10, 15-5,
20 15-10, 15-15, 15-55, 20-5, 20-10, 25-10, 25-15, 25-16, 25-20,
21 25-25, and 30-5 and by adding Sections 1-12, 5-26, 15-10.1,
22 15-11, and 25-35 as follows:

23 (225 ILCS 458/1-10)

1 (Section scheduled to be repealed on January 1, 2022)

2 Sec. 1-10. Definitions. As used in this Act, unless the
3 context otherwise requires:

4 "Accredited college or university, junior college, or
5 community college" means a college or university, junior
6 college, or community college that is approved or accredited
7 by the Board of Higher Education, a regional or national
8 accreditation association, or by an accrediting agency that is
9 recognized by the U.S. Secretary of Education.

10 "Address of record" means the designated street address,
11 which may not be a post office box, recorded by the Department
12 in the applicant's or licensee's application file or license
13 file as maintained by the ~~Department's licensure maintenance~~
14 ~~unit. It is the duty of the applicant or licensee to inform the~~
15 ~~Department of any change of address and those changes must be~~
16 ~~made either through the Department's website or by contacting~~
17 ~~the~~ Department.

18 "Applicant" means person who applies to the Department for
19 a license under this Act.

20 "Appraisal" means (noun) the act or process of developing
21 an opinion of value; an opinion of value (adjective) of or
22 pertaining to appraising and related functions, such as
23 appraisal practice or appraisal services.

24 "Appraisal assignment" means a valuation service provided
25 pursuant to ~~as a consequence of~~ an agreement between an
26 appraiser and a client.

1 ~~"Appraisal consulting" means the act or process of~~
2 ~~developing an analysis, recommendation, or opinion to solve a~~
3 ~~problem, where an opinion of value is a component of the~~
4 ~~analysis leading to the assignment results.~~

5 "Appraisal firm" means an appraisal entity that is 100%
6 owned and controlled by a person or persons licensed in
7 Illinois as a certified general real estate appraiser or a
8 certified residential real estate appraiser. "Appraisal firm"
9 does not include an appraisal management company.

10 "Appraisal management company" means any corporation,
11 limited liability company, partnership, sole proprietorship,
12 subsidiary, unit, or other business entity that directly or
13 indirectly: (1) provides appraisal management services to
14 creditors or secondary mortgage market participants, including
15 affiliates; (2) provides appraisal management services in
16 connection with valuing the consumer's principal dwelling as
17 security for a consumer credit transaction (including consumer
18 credit transactions incorporated into securitizations); and
19 (3) ~~within a given year, oversees an appraiser panel of any~~
20 ~~size of State-certified appraisers in Illinois; and (4) any~~
21 appraisal management company that, within a given 12-month
22 period ~~year~~, oversees an appraiser panel of 16 or more
23 State-certified appraisers in Illinois or 25 or more
24 State-certified or State-licensed appraisers in 2 or more
25 jurisdictions ~~shall be subject to the appraisal management~~
26 ~~company national registry fee in addition to the appraiser~~

1 ~~panel fee.~~ "Appraisal management company" includes a hybrid
2 entity.

3 "Appraisal practice" means valuation services performed by
4 an individual acting as an appraiser, including, but not
5 limited to, appraisal or, appraisal review, ~~or appraisal~~
6 ~~consulting.~~

7 "Appraisal report" means any communication, written or
8 oral, of an appraisal or appraisal review that is transmitted
9 to a client upon completion of an assignment.

10 "Appraisal review" means the act or process of developing
11 and communicating an opinion about the quality of another
12 appraiser's work that was performed as part of an appraisal,
13 appraisal review, or appraisal assignment.

14 "Appraisal Subcommittee" means the Appraisal Subcommittee
15 of the Federal Financial Institutions Examination Council as
16 established by Title XI.

17 "Appraiser" means a person who performs real estate or
18 real property appraisals competently and in a manner that is
19 independent, impartial, and objective.

20 "Appraiser panel" means a network, list, or roster of
21 licensed or certified appraisers approved by the appraisal
22 management company or by the end-user client to perform
23 appraisals as independent contractors for the appraisal
24 management company. "Appraiser panel" includes both appraisers
25 accepted by an appraisal management company for consideration
26 for future appraisal assignments and appraisers engaged by an

1 appraisal management company to perform one or more
2 appraisals. For the purposes of determining the size of an
3 appraiser panel, only independent contractors of hybrid
4 entities shall be counted towards the appraiser panel.

5 "AQB" means the Appraisal Qualifications Board of the
6 Appraisal Foundation.

7 "Associate real estate trainee appraiser" means an
8 entry-level appraiser who holds a license of this
9 classification under this Act with restrictions as to the
10 scope of practice in accordance with this Act.

11 "Automated valuation model" means an automated system that
12 is used to derive a property value through the use of available
13 property records and various analytic methodologies such as
14 comparable sales prices, home characteristics, and price
15 changes.

16 "Board" means the Real Estate Appraisal Administration and
17 Disciplinary Board.

18 "Broker price opinion" means an estimate or analysis of
19 the probable selling price of a particular interest in real
20 estate, which may provide a varying level of detail about the
21 property's condition, market, and neighborhood and information
22 on comparable sales. The activities of a real estate broker or
23 managing broker engaging in the ordinary course of business as
24 a broker, as defined in this Section, shall not be considered a
25 broker price opinion if no compensation is paid to the broker
26 or managing broker, other than compensation based upon the

1 sale or rental of real estate.

2 "Classroom hour" means 50 minutes of instruction out of
3 each 60 minute segment of coursework.

4 "Client" means the party or parties who engage an
5 appraiser by employment or contract in a specific appraisal
6 assignment.

7 "Comparative market analysis" is an analysis or opinion
8 regarding pricing, marketing, or financial aspects relating to
9 a specified interest or interests in real estate that may be
10 based upon an analysis of comparative market data, the
11 expertise of the real estate broker or managing broker, and
12 such other factors as the broker or managing broker may deem
13 appropriate in developing or preparing such analysis or
14 opinion. The activities of a real estate broker or managing
15 broker engaging in the ordinary course of business as a
16 broker, as defined in this Section, shall not be considered a
17 comparative market analysis if no compensation is paid to the
18 broker or managing broker, other than compensation based upon
19 the sale or rental of real estate.

20 "Coordinator" means the ~~Coordinator of Real Estate~~
21 ~~Appraisal Coordinator created in Section 25-15 of the Division~~
22 ~~of Professional Regulation of the Department of Financial and~~
23 ~~Professional Regulation.~~

24 "Department" means the Department of Financial and
25 Professional Regulation.

26 "Email address of record" means the designated email

1 address recorded by the Department in the applicant's
2 application file or the licensee's license file maintained by
3 the Department.

4 "Evaluation" means a valuation permitted by the appraisal
5 regulations of the Federal Financial Institutions Examination
6 Council and its federal agencies for transactions that qualify
7 for the appraisal threshold exemption, business loan
8 exemption, or subsequent transaction exemption.

9 "Federal financial institutions regulatory agencies" means
10 the Board of Governors of the Federal Reserve System, the
11 Federal Deposit Insurance Corporation, the Office of the
12 Comptroller of the Currency, the Consumer Financial Protection
13 Bureau, and the National Credit Union Administration.

14 "Federally related transaction" means any real
15 estate-related financial transaction in which a federal
16 financial institutions regulatory agency engages in, contracts
17 for, or regulates and requires the services of an appraiser.

18 "Financial institution" means any bank, savings bank,
19 savings and loan association, credit union, mortgage broker,
20 mortgage banker, licensee under the Consumer Installment Loan
21 Act or the Sales Finance Agency Act, or a corporate fiduciary,
22 subsidiary, affiliate, parent company, or holding company of
23 any such licensee, or any institution involved in real estate
24 financing that is regulated by state or federal law.

25 "Hybrid entity" means an appraisal management company that
26 hires an appraiser as an employee to perform an appraisal and

1 engages an independent contractor to perform an appraisal.

2 "License" means the privilege conferred by the Department
3 to a person that has fulfilled all requirements prerequisite
4 to any type of licensure under this Act.

5 "Licensee" means any person, as defined in this Section,
6 who holds a valid unexpired license.

7 "Multi-state licensing system" means a web-based platform
8 that allows an applicant to submit the ~~his or her~~ application
9 or license renewal application to the Department online.

10 "Person" means an individual, entity, sole proprietorship,
11 corporation, limited liability company, partnership, and joint
12 venture, foreign or domestic, except that when the context
13 otherwise requires, the term may refer to more than one
14 individual or other described entity.

15 "Real estate" means an identified parcel or tract of land,
16 including any improvements.

17 "Real estate related financial transaction" means any
18 transaction involving:

19 (1) the sale, lease, purchase, investment in, or
20 exchange of real property, including interests in property
21 or the financing thereof;

22 (2) the refinancing of real property or interests in
23 real property; and

24 (3) the use of real property or interest in property
25 as security for a loan or investment, including mortgage
26 backed securities.

1 "Real property" means the interests, benefits, and rights
2 inherent in the ownership of real estate.

3 "Secretary" means the Secretary of Financial and
4 Professional Regulation or the Secretary's designee.

5 "State certified general real estate appraiser" means an
6 appraiser who holds a license of this classification under
7 this Act and such classification applies to the appraisal of
8 all types of real property without restrictions as to the
9 scope of practice.

10 "State certified residential real estate appraiser" means
11 an appraiser who holds a license of this classification under
12 this Act and such classification applies to the appraisal of
13 one to 4 units of residential real property without regard to
14 transaction value or complexity, but with restrictions as to
15 the scope of practice in a federally related transaction in
16 accordance with Title XI, the provisions of USPAP, criteria
17 established by the AQB, and further defined by rule.

18 "Supervising appraiser" means either (i) an appraiser who
19 holds a valid license under this Act as either a State
20 certified general real estate appraiser or a State certified
21 residential real estate appraiser, who co-signs an appraisal
22 report for an associate real estate trainee appraiser or (ii)
23 a State certified general real estate appraiser who holds a
24 valid license under this Act who co-signs an appraisal report
25 for a State certified residential real estate appraiser on
26 properties other than one to 4 units of residential real

1 property without regard to transaction value or complexity.

2 "Title XI" means Title XI of the federal Financial
3 Institutions Reform, Recovery and Enforcement Act of 1989.

4 "USPAP" means the Uniform Standards of Professional
5 Appraisal Practice as promulgated by the Appraisal Standards
6 Board pursuant to Title XI and by rule.

7 "Valuation services" means services pertaining to aspects
8 of property value.

9 (Source: P.A. 100-604, eff. 7-13-18.)

10 (225 ILCS 458/1-12 new)

11 Sec. 1-12. Address of record; email address of record. All
12 applicants and licensees shall:

13 (1) provide a valid address and email address to the
14 Department, which shall serve as the address of record and
15 email address of record, respectively, at the time of
16 application for licensure or renewal of a license; and

17 (2) inform the Department of any change of address of
18 record or email address of record within 14 days after
19 such change through the Department's website.

20 (225 ILCS 458/5-5)

21 (Section scheduled to be repealed on January 1, 2022)

22 Sec. 5-5. Necessity of license; use of title; exemptions.

23 (a) It is unlawful for a person to (i) act, offer services,
24 or advertise services as a State certified general real estate

1 appraiser, State certified residential real estate appraiser,
2 or associate real estate trainee appraiser, (ii) develop a
3 real estate appraisal, (iii) practice as a real estate
4 appraiser, or (iv) advertise as ~~or hold himself or herself out~~
5 ~~to be~~ a real estate appraiser without a license issued under
6 this Act. A person who violates this subsection is guilty of a
7 Class A misdemeanor for a first offense and a Class 4 felony
8 for any subsequent offense.

9 (a-5) It is unlawful for a person, unless registered as an
10 appraisal management company, to solicit clients or enter into
11 an appraisal engagement with clients without either a
12 certified residential real estate appraiser license or a
13 certified general real estate appraiser license issued under
14 this Act. A person who violates this subsection is guilty of a
15 Class A misdemeanor for a first offense and a Class 4 felony
16 for any subsequent offense.

17 (b) It is unlawful for a person, other than a person who
18 holds a valid license issued pursuant to this Act as a State
19 certified general real estate appraiser, a State certified
20 residential real estate appraiser, or an associate real estate
21 trainee appraiser to use these titles or any other title,
22 designation, or abbreviation likely to create the impression
23 that the person is licensed as a real estate appraiser
24 pursuant to this Act. A person who violates this subsection is
25 guilty of a Class A misdemeanor for a first offense and a Class
26 4 felony for any subsequent offense.

1 (c) This Act does not apply to a person who holds a valid
2 license as a real estate broker or managing broker pursuant to
3 the Real Estate License Act of 2000 who prepares or provides a
4 broker price opinion or comparative market analysis in
5 compliance with Section 10-45 of the Real Estate License Act
6 of 2000.

7 (d) Nothing in this Act shall preclude a State certified
8 general real estate appraiser, a State certified residential
9 real estate appraiser, or an associate real estate trainee
10 appraiser from rendering appraisals for or on behalf of a
11 partnership, association, corporation, firm, or group.
12 However, no State appraisal license or certification shall be
13 issued under this Act to a partnership, association,
14 corporation, firm, or group.

15 (e) This Act does not apply to a county assessor, township
16 assessor, multi-township assessor, county supervisor of
17 assessments, or any deputy or employee of any county assessor,
18 township assessor, multi-township assessor, or county
19 supervisor of assessments in performance of ~~who is performing~~
20 ~~his or her~~ respective duties in accordance with the provisions
21 of the Property Tax Code.

22 (e-5) For the purposes of this Act, valuation waivers may
23 be prepared by a licensed appraiser notwithstanding any other
24 provision of this Act, and the following types of valuations
25 are not appraisals and may not be represented to be
26 appraisals, and a license is not required under this Act to

1 perform such valuations if the valuations are performed by (1)
2 an employee of the Illinois Department of Transportation who
3 has completed a minimum of 45 hours of course work in real
4 estate appraisal, including the principles ~~principals~~ of real
5 estate appraisals, appraisal of partial acquisitions, easement
6 valuation, reviewing appraisals in eminent domain, appraisal
7 for federal aid highway programs, and appraisal review for
8 federal aid highway programs and has at least 2 years'
9 experience in a field closely related to real estate; (2) a
10 county engineer who is a registered professional engineer
11 under the Professional Engineering Practice Act of 1989; (3)
12 an employee of a municipality who has (i) completed a minimum
13 of 45 hours of coursework in real estate appraisal, including
14 the principles ~~principals~~ of real estate appraisals, appraisal
15 of partial acquisitions, easement valuation, reviewing
16 appraisals in eminent domain, appraisal for federal aid
17 highway programs, and appraisal review for federal aid highway
18 programs and (ii) has either 2 years' experience in a field
19 clearly related to real estate or has completed 20 hours of
20 additional coursework that is sufficient for a person to
21 complete waiver valuations as approved by the Federal Highway
22 Administration; or (4) a municipal engineer who has completed
23 coursework that is sufficient for ~~his or her~~ waiver valuations
24 to be approved by the Federal Highway Administration and who
25 is a registered professional engineer under the Professional
26 Engineering Act of 1989, under the following circumstances:

1 (A) a valuation waiver in an amount not to exceed
2 \$20,000 ~~\$10,000~~ prepared pursuant to the federal Uniform
3 Relocation Assistance and Real Property Acquisition
4 Policies Act of 1970, or prepared pursuant to the federal
5 Uniform Relocation Assistance and Real Property
6 Acquisition for Federal and Federally-Assisted Programs
7 regulations and which is performed by (1) an employee of
8 the Illinois Department of Transportation and co-signed,
9 with a license number affixed, by another employee of the
10 Illinois Department of Transportation who is a registered
11 professional engineer under the Professional Engineering
12 Practice Act of 1989 or (2) an employee of a municipality
13 and co-signed with a license number affixed by a county or
14 municipal engineer who is a registered professional
15 engineer under the Professional Engineering Practice Act
16 of 1989; and

17 (B) a valuation waiver in an amount not to exceed
18 \$20,000 ~~\$10,000~~ prepared pursuant to the federal Uniform
19 Relocation Assistance and Real Property Acquisition
20 Policies Act of 1970, or prepared pursuant to the federal
21 Uniform Relocation Assistance and Real Property
22 Acquisition for Federal and Federally-Assisted Programs
23 regulations and which is performed by a county or
24 municipal engineer who is employed by a county or
25 municipality and is a registered professional engineer
26 under the Professional Engineering Practice Act of 1989.

1 The valuation shall include ~~In addition to his or her~~
2 ~~signature,~~ the county or municipal engineer's signature
3 and ~~engineer shall affix his or her~~ license number ~~to the~~
4 ~~valuation.~~

5 Nothing in this subsection (e-5) shall be construed to
6 allow the State of Illinois, a political subdivision thereof,
7 or any public body to acquire real estate by eminent domain in
8 any manner other than provided for in the Eminent Domain Act.

9 (f) A State real estate appraisal certification or license
10 is not required under this Act for any ~~of the following: (1) A~~
11 person, partnership, association, or corporation that performs
12 appraisals of property owned by that person, partnership,
13 association, or corporation for the sole use of that person,
14 partnership, association, or corporation.

15 ~~(2) A court appointed commissioner who conducts an~~
16 ~~appraisal pursuant to a judicially ordered evaluation of~~
17 ~~property.~~

18 Any ~~However, any~~ person who is certified or licensed under
19 this Act and who performs any of the activities set forth in
20 this subsection (f) must comply with the provisions of this
21 Act. A person who violates this subsection (f) is guilty of a
22 Class A misdemeanor for a first offense and a Class 4 felony
23 for any subsequent offense.

24 (g) This Act does not apply to an employee, officer,
25 director, or member of a credit or loan committee of a
26 financial institution or any other person engaged by a

1 financial institution when performing an evaluation of real
2 property for the sole use of the financial institution in a
3 transaction for which the financial institution would not be
4 required to use the services of a State licensed or State
5 certified appraiser pursuant to federal regulations adopted
6 under Title XI of the federal Financial Institutions Reform,
7 Recovery, and Enforcement Act of 1989, ~~nor does this Act apply~~
8 ~~to the procurement of an automated valuation model.~~

9 (h) This Act does not apply to the procurement of an
10 automated valuation model.

11 ~~"Automated valuation model" means an automated system that~~
12 ~~is used to derive a property value through the use of publicly~~
13 ~~available property records and various analytic methodologies~~
14 ~~such as comparable sales prices, home characteristics, and~~
15 ~~historical home price appreciations.~~

16 (Source: P.A. 98-444, eff. 8-16-13; 98-933, eff. 1-1-15;
17 98-1109, eff. 1-1-15; 99-78, eff. 7-20-15.)

18 (225 ILCS 458/5-10)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 5-10. Application for State certified general real
21 estate appraiser.

22 (a) Every person who desires to obtain a State certified
23 general real estate appraiser license shall:

24 (1) apply to the Department on forms provided by the
25 Department, or through a multi-state licensing system as

1 designated by the Secretary, accompanied by the required
2 fee;

3 (2) be at least 18 years of age;

4 (3) (blank);

5 (4) personally take and pass an examination authorized
6 by the Department and endorsed by the AQB;

7 (5) prior to taking the examination, provide evidence
8 to the Department, or through a multi-state licensing
9 system as designated by the Secretary, of successful
10 completion of in Modular Course format, with each module
11 conforming to the Required Core Curriculum established and
12 adopted by the AQB, that he or she has successfully
13 completed the prerequisite classroom hours of instruction
14 in appraising as established by the AQB and by rule;
15 evidence shall be in a Modular Course format with each
16 module conforming to the Required Core Curriculum
17 established and adopted by the AQB; and

18 (6) prior to taking the examination, provide evidence
19 to the Department, or through a multi-state licensing
20 system as designated by the Secretary, of successful
21 completion of ~~that he or she has successfully completed~~
22 the prerequisite experience and educational requirements
23 in appraising as established by AQB and by rule.

24 (b) Applicants must provide evidence to the Department, or
25 through a multi-state licensing system as designated by the
26 Secretary, of holding a Bachelor's degree or higher from an

1 accredited college or university.

2 (Source: P.A. 100-604, eff. 7-13-18.)

3 (225 ILCS 458/5-15)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 5-15. Application for State certified residential
6 real estate appraiser. Every person who desires to obtain a
7 State certified residential real estate appraiser license
8 shall:

9 (1) apply to the Department on forms provided by the
10 Department, or through a multi-state licensing system as
11 designated by the Secretary, accompanied by the required
12 fee;

13 (2) be at least 18 years of age;

14 (3) (blank);

15 (4) personally take and pass an examination authorized
16 by the Department and endorsed by the AQB;

17 (5) prior to taking the examination, provide evidence
18 to the Department, or through a multi-state licensing
19 system as designated by the Secretary, of successful
20 completion of ~~in Modular Course format, with each module~~
21 ~~conforming to the Required Core Curriculum established and~~
22 ~~adopted by the AQB, that he or she has successfully~~
23 ~~completed~~ the prerequisite classroom hours of instruction
24 in appraising as established by the AQB and by rule;
25 evidence shall be in a Modular Course format with each

1 module conforming to the Required Core Curriculum
2 established and adopted by the AQB; and

3 (6) prior to taking the examination, provide evidence
4 to the Department, or through a multi-state licensing
5 system as designated by the Secretary, of successful
6 completion of ~~that he or she has successfully completed~~
7 the prerequisite experience and educational requirements
8 as established by AQB and by rule.

9 (Source: P.A. 100-201, eff. 8-18-17; 100-604, eff. 7-13-18.)

10 (225 ILCS 458/5-20)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 5-20. Application for associate real estate trainee
13 appraiser. Every person who desires to obtain an associate
14 real estate trainee appraiser license shall:

15 (1) apply to the Department on forms provided by the
16 Department, or through a multi-state licensing system as
17 designated by the Secretary, accompanied by the required
18 fee;

19 (2) be at least 18 years of age;

20 (3) provide evidence of having attained a high school
21 diploma or completed an equivalent course of study as
22 determined by an examination conducted or accepted by the
23 Illinois State Board of Education;

24 (4) (blank); and

25 (5) provide evidence to the Department, or through a

1 multi-state licensing system as designated by the
2 Secretary, of successful completion of ~~that he or she has~~
3 ~~successfully completed~~ the prerequisite qualifying and any
4 conditional education requirements as established by rule.
5 (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;
6 101-81, eff. 7-12-19.)

7 (225 ILCS 458/5-20.5)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 5-20.5. Duration of application. Applicants have 3
10 years from the date of application to complete the application
11 process. If the process has not been completed within 3 years,
12 the application shall expire ~~be denied~~, the fee shall be
13 forfeited, and the applicant must reapply and meet the
14 requirements in effect at the time of reapplication.

15 (Source: P.A. 96-844, eff. 12-23-09.)

16 (225 ILCS 458/5-22)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 5-22. Criminal history records check.

19 (a) An application ~~Each applicant~~ for licensure by
20 examination or restoration shall include the applicant's ~~have~~
21 ~~his or her~~ fingerprints submitted to the Department of State
22 Police in an electronic format that complies with the form and
23 manner for requesting and furnishing criminal history record
24 information as prescribed by the Department of State Police.

1 These fingerprints shall be checked against the Department of
2 State Police and Federal Bureau of Investigation criminal
3 history record databases now and hereafter filed. The
4 Department of State Police shall charge applicants a fee for
5 conducting the criminal history records check, which shall be
6 deposited into the State Police Services Fund and shall not
7 exceed the actual cost of the records check. The Department of
8 State Police shall furnish, pursuant to positive
9 identification, records of Illinois convictions to the
10 Department. The Department may require applicants to pay a
11 separate fingerprinting fee, either to the Department or to a
12 vendor. The Department may adopt any rules necessary to
13 implement this Section.

14 (b) The Secretary may designate a multi-state licensing
15 system to perform the functions described in subsection (a).
16 The Department may require applicants to pay a separate
17 fingerprinting fee, either to the Department or to the
18 multi-state licensing system. The Department may adopt any
19 rules necessary to implement this subsection.

20 (c) The Department shall not consider the following
21 criminal history records in connection with an application for
22 licensure:

23 (1) juvenile adjudications of delinquent minors as
24 defined in Section 5-105 of the Juvenile Court Act of 1987
25 subject to the restrictions set forth in Section 5-130 of
26 that Act;

1 (2) law enforcement records, court records, and
2 conviction records of an individual who was 17 years old
3 at the time of the offense and before January 1, 2014,
4 unless the nature of the offense required the individual
5 to be tried as an adult;

6 (3) records of arrest not followed by a charge or
7 conviction;

8 (4) records of arrest in which the charges were
9 dismissed unless related to the practice of the
10 profession; however, applicants shall not be asked to
11 report any arrests, and an arrest not followed by a
12 conviction shall not be the basis of a denial and may be
13 used only to assess an applicant's rehabilitation;

14 (5) convictions overturned by a higher court; or

15 (6) convictions or arrests that have been sealed or
16 expunged.

17 (d) If an applicant makes a false statement of material
18 fact on the application, the false statement may in itself be
19 sufficient grounds to revoke or refuse to issue a license.

20 (e) An applicant or licensee shall report to the
21 Department, in a manner prescribed by the Department, upon
22 application and within 30 days after the occurrence, if during
23 the term of licensure, (i) any conviction of or plea of guilty
24 or nolo contendere to forgery, embezzlement, obtaining money
25 under false pretenses, larceny, extortion, conspiracy to
26 defraud, or any similar offense or offenses or any conviction

1 of a felony involving moral turpitude, (ii) the entry of an
2 administrative sanction by a government agency in this State
3 or any other jurisdiction that has as an essential element
4 dishonesty or fraud or involves larceny, embezzlement, or
5 obtaining money, property, or credit by false pretenses, or
6 (iii) a crime that subjects the licensee to compliance with
7 the requirements of the Sex Offender Registration Act.

8 (Source: P.A. 100-604, eff. 7-13-18.)

9 (225 ILCS 458/5-25)

10 (Section scheduled to be repealed on January 1, 2022)

11 Sec. 5-25. Renewal of license.

12 (a) The expiration date and renewal period for a State
13 certified general real estate appraiser license or a State
14 certified residential real estate appraiser license issued
15 under this Act shall be set by rule. Except as otherwise
16 provided in subsections (b) and (f) of this Section, the
17 holder of a license may renew the license within 90 days
18 preceding the expiration date by:

19 (1) completing and submitting to the Department, or
20 through a multi-state licensing system as designated by
21 the Secretary, a renewal application form as provided by
22 the Department;

23 (2) paying the required fees; and

24 (3) providing evidence to the Department, or through a
25 multi-state licensing system as designated by the

1 Secretary, of successful completion of the continuing
2 education requirements through courses approved by the
3 Department from education providers licensed by the
4 Department, as established by the AQB and by rule.

5 (b) A State certified general real estate appraiser or
6 State certified residential real estate appraiser whose
7 license under this Act has expired may renew the license for a
8 period of 2 years following the expiration date by complying
9 with the requirements of paragraphs (1), (2), and (3) of
10 subsection (a) of this Section and paying any late penalties
11 established by rule.

12 (c) (Blank).

13 (d) The expiration date and renewal period for an
14 associate real estate trainee appraiser license issued under
15 this Act shall be set by rule. Except as otherwise provided in
16 subsections (e) and (f) of this Section, the holder of an
17 associate real estate trainee appraiser license may renew the
18 license within 90 days preceding the expiration date by:

19 (1) completing and submitting to the Department, or
20 through a multi-state licensing system as designated by
21 the Secretary, a renewal application form as provided by
22 the Department;

23 (2) paying the required fees; and

24 (3) providing evidence to the Department, or through a
25 multi-state licensing system as designated by the
26 Secretary, of successful completion of the continuing

1 education requirements through courses approved by the
2 Department from education providers approved by the
3 Department, as established by rule.

4 (e) Any associate real estate trainee appraiser ~~trainee~~
5 whose license under this Act has expired may renew the license
6 for a period of 2 years following the expiration date by
7 complying with the requirements of paragraphs (1), (2), and
8 (3) of subsection (d) of this Section and paying any late
9 penalties as established by rule.

10 (f) Notwithstanding subsections (c) and (e), an appraiser
11 whose license under this Act has expired may renew or convert
12 the license without paying any lapsed renewal fees or late
13 penalties if the license expired while the appraiser was:

14 (1) on active duty with the United States Armed
15 Services;

16 (2) serving as the Coordinator ~~of Real Estate~~
17 ~~Appraisal~~ or an employee of the Department who was
18 required to surrender the ~~his or her~~ license during the
19 term of employment.

20 Application for renewal must be made within 2 years
21 following the termination of the military service or related
22 education, training, or employment and shall include an
23 affidavit from the licensee of engagement. ~~The licensee shall~~
24 ~~furnish the Department with an affidavit that he or she was so~~
25 ~~engaged.~~

26 (g) The Department shall provide reasonable care and due

1 diligence to ensure that each licensee under this Act is
2 provided with a renewal application at least 90 days prior to
3 the expiration date, but ~~each licensee is responsible to~~
4 timely renewal or conversion of the ~~renew or convert his or her~~
5 license prior to its expiration date is the responsibility of
6 the licensee.

7 (h) The Department shall not renew a license if the
8 licensee has an unpaid fine from a disciplinary matter or an
9 unpaid fee from a non-disciplinary action imposed by the
10 Department until the fine or fee is paid to the Department or
11 the licensee has entered into a payment plan and is current on
12 the required payments.

13 (i) The Department shall not issue a license if the
14 applicant has an unpaid fine imposed by the Department for
15 unlicensed practice until the fine is paid to the Department
16 or the applicant has entered into a payment plan and is current
17 on the required payments.

18 (Source: P.A. 100-604, eff. 7-13-18; 100-832, eff. 1-1-19;
19 101-81, eff. 7-12-19.)

20 (225 ILCS 458/5-26 new)

21 Sec. 5-26. Inactive licenses. Any licensee who notifies
22 the Department, in writing on forms prescribed by the
23 Department, may elect to place the license on an inactive
24 status and shall, subject to the rules of the Department, be
25 excused from payment of renewal fees until notification in

1 writing to the Department of the desire to resume active
2 status. Any licensee requesting reinstatement from inactive
3 status shall pay the current renewal fee, provide proof of
4 meeting the continuing education requirements for the period
5 of time the license is inactive (not to exceed 2 renewal
6 periods), and follow the requirements for reinstatement as
7 provided by rule. Any licensee whose license is in an inactive
8 status shall not practice in the State of Illinois. The
9 Department will update the licensee's record in the National
10 Registry to show that the license is inactive.

11 (225 ILCS 458/5-30)

12 (Section scheduled to be repealed on January 1, 2022)

13 Sec. 5-30. Endorsement. The Department may issue an
14 appraiser license, without the required examination, to an
15 applicant licensed by another state, territory, possession of
16 the United States, or the District of Columbia, if (i) the
17 licensing requirements of that licensing authority are, on the
18 date of licensure, substantially equal to the requirements set
19 forth under this Act or to a person who, at the time of the his
20 or her application, possessed individual qualifications that
21 were substantially equivalent to the requirements of this Act
22 or (ii) the applicant provides the Department with evidence of
23 good standing from the Appraisal Subcommittee National
24 Registry report and a criminal history records check in
25 accordance with Section 5-22. An applicant under this Section

1 shall pay all of the required fees.

2 (Source: P.A. 98-1109, eff. 1-1-15.)

3 (225 ILCS 458/5-35)

4 (Section scheduled to be repealed on January 1, 2022)

5 Sec. 5-35. Qualifying education requirements. ~~(a)~~ The
6 prerequisite classroom hours necessary for a person to be
7 approved to sit for the examination for licensure as a State
8 certified general real estate appraiser or a State certified
9 residential real estate appraiser shall be in accordance with
10 AQB criteria and established by rule.

11 ~~(b) The prerequisite classroom hours necessary for a~~
12 ~~person to sit for the examination for licensure as an~~
13 ~~associate real estate trainee appraiser shall be established~~
14 ~~by rule.~~

15 (Source: P.A. 98-1109, eff. 1-1-15.)

16 (225 ILCS 458/10-5)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 10-5. Scope of practice.

19 (a) This Act does not limit a State certified general real
20 estate appraiser's ~~appraiser in his or her~~ scope of practice
21 in a federally related transaction. A State certified general
22 real estate appraiser may independently provide appraisal
23 services, review, or consult related ~~consulting relating~~ to
24 any type of property for which there is related ~~he or she has~~

1 experience or competency by the appraiser ~~is competent~~. All
2 such appraisal practice must be made in accordance with the
3 provisions of USPAP, criteria established by the AQB, and
4 rules adopted pursuant to this Act.

5 (b) A State certified residential real estate appraiser is
6 limited in ~~his or her~~ scope of practice to the provisions of
7 USPAP, criteria established by the AQB, and the rules adopted
8 pursuant to this Act.

9 (c) A State certified residential real estate appraiser
10 must have a State certified general real estate appraiser who
11 holds a valid license under this Act co-sign all appraisal
12 reports on properties other than one to 4 units of residential
13 real property without regard to transaction value or
14 complexity.

15 (d) An associate real estate trainee appraiser is limited
16 in ~~his or her~~ scope of practice in all transactions in
17 accordance with the provisions of USPAP, this Act, and the
18 rules adopted pursuant to this Act. In addition, an associate
19 real estate trainee appraiser shall be required to have a
20 State certified general real estate appraiser or State
21 certified residential real estate appraiser who holds a valid
22 license under this Act to co-sign all appraisal reports. A
23 supervising appraiser may not supervise more than 3 associate
24 real estate trainee appraisers at one time. Associate real
25 estate trainee appraisers shall not be limited in the number
26 of concurrent supervising appraisers. A chronological

1 appraisal log on an approved log form shall be maintained by
2 the associate real estate trainee appraiser and shall be made
3 available to the Department upon request.

4 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

5 (225 ILCS 458/10-10)

6 (Section scheduled to be repealed on January 1, 2022)

7 Sec. 10-10. Standards of practice. All persons licensed
8 under this Act must comply with standards of professional
9 appraisal practice adopted by the Department. The Department
10 must adopt, as part of its rules, the Uniform Standards of
11 Professional Appraisal Practice (USPAP) as published from time
12 to time by the Appraisal Standards Board of the Appraisal
13 Foundation. The Department shall consider federal laws and
14 regulations regarding the licensure of real estate appraisers
15 prior to adopting its rules for the administration of this
16 Act. When an appraisal obtained through an appraisal
17 management company is used for loan purposes, the borrower or
18 loan applicant shall be provided with a written disclosure of
19 the total compensation to the appraiser or appraisal firm
20 within the body ~~certification~~ of the appraisal report and it
21 shall not be redacted or otherwise obscured.

22 (Source: P.A. 96-844, eff. 12-23-09; 97-602, eff. 8-26-11.)

23 (225 ILCS 458/15-5)

24 (Section scheduled to be repealed on January 1, 2022)

1 Sec. 15-5. Unlicensed practice; civil penalty; injunctive
2 relief; unlawful influence.

3 (a) A person who violates Section 5-5 of this Act shall, in
4 addition to any other penalty provided by law, pay a civil
5 penalty to the Department in an amount not to exceed \$25,000
6 for each violation as determined by the Secretary. The civil
7 penalty shall be assessed by the Secretary after a hearing in
8 accordance with the provisions of this Act regarding the
9 provision of a hearing for the discipline of a license.

10 (b) The Department has the authority to investigate any
11 activity that may violate this Act.

12 (c) A civil penalty imposed pursuant to subsection (a)
13 shall be paid within 60 days after the effective date of the
14 order imposing the civil penalty. The order shall constitute a
15 judgment and may be filed and executed in the same manner as
16 any judgment from any court of record. Any civil penalty
17 collected under this Act shall be made payable to the
18 Department of Financial and Professional Regulation and
19 deposited into the Appraisal Administration Fund. In addition
20 to or in lieu of the imposition of a civil penalty, the
21 Department may report a violation of this Act or the failure or
22 refusal to comply with an order of the Department to the
23 Attorney General or to the appropriate State's Attorney.

24 (d) Practicing as an appraiser without holding an active ~~a~~
25 ~~valid~~ license as required under this Act is declared to be
26 adverse to the public welfare, to constitute a public

1 nuisance, and to cause irreparable harm to the public welfare.
2 The Secretary, the Attorney General, or the State's Attorney
3 of any county in the State may maintain an action for
4 injunctive relief in any circuit court to enjoin any person
5 from engaging in such practice.

6 Upon the filing of a verified petition in a circuit court,
7 the court, if satisfied by affidavit or otherwise that a
8 person has been engaged in the practice of real estate
9 appraisal without an active ~~a valid~~ license, may enter a
10 temporary restraining order without notice or bond enjoining
11 the defendant from further practice. The showing of
12 non-licensure, by affidavit or otherwise, is sufficient for
13 the issuance of a temporary injunction. If it is established
14 that the defendant has been or is engaged in unlawful
15 practice, the court may enter an order or judgment perpetually
16 enjoining the defendant from further unlawful practice. In all
17 proceedings under this Section, the court, in its discretion,
18 may apportion the costs among the parties interested in the
19 action, including the cost of filing the complaint, service of
20 process, witness fees and expenses, court reporter charges,
21 and reasonable attorneys' fees. These injunction proceedings
22 shall be in addition to, and not in lieu of, all penalties and
23 other remedies provided in this Act.

24 (e) No person shall influence or attempt to influence
25 through coercion, extortion, or bribery the independent
26 judgment of an appraiser licensed or certified under this Act

1 in the development, reporting, result, or review of a real
2 estate appraisal. A person who violates this subsection (e) is
3 guilty of a Class A misdemeanor for the first offense and a
4 Class 4 felony for any subsequent offense.

5 (Source: P.A. 96-844, eff. 12-23-09.)

6 (225 ILCS 458/15-10)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 15-10. Grounds for disciplinary action.

9 (a) The Department may suspend, revoke, refuse to issue,
10 renew, or restore a license and may reprimand place on
11 probation or administrative supervision, or take any
12 disciplinary or non-disciplinary action, including imposing
13 conditions limiting the scope, nature, or extent of the real
14 estate appraisal practice of a licensee or reducing the
15 appraisal rank of a licensee, and may impose an administrative
16 fine not to exceed \$25,000 for each violation upon a licensee
17 for any one or combination of the following:

18 (1) Procuring or attempting to procure a license by
19 knowingly making a false statement, submitting false
20 information, engaging in any form of fraud or
21 misrepresentation, or refusing to provide complete
22 information in response to a question in an application
23 for licensure.

24 (2) Failing to meet the minimum qualifications for
25 licensure as an appraiser established by this Act.

1 (3) Paying money, other than for the fees provided for
2 by this Act, or anything of value to a member or employee
3 of the Board or the Department to procure licensure under
4 this Act.

5 (4) Conviction of, or by plea of guilty or nolo
6 contendere, as enumerated in subsection (e) of Section
7 5-22 finding of guilt, jury verdict, or entry of judgment
8 or by sentencing of any crime, including, but not limited
9 to, convictions, preceding sentences of supervision,
10 conditional discharge, or first offender probation, under
11 the laws of any jurisdiction of the United States: (i)
12 that is a felony, ~~;~~ ~~or (ii) that is a misdemeanor, or~~
13 administrative sanction or (ii) that is a crime that
14 subjects the licensee to compliance with the requirements
15 of the Sex Offender Registration Act ~~an essential element~~
16 ~~of which is dishonesty, or that is directly related to the~~
17 ~~practice of the profession.~~

18 (5) Committing an act or omission involving
19 dishonesty, fraud, or misrepresentation with the intent to
20 substantially benefit the licensee or another person or
21 with intent to substantially injure another person as
22 defined by rule.

23 (6) Violating a provision or standard for the
24 development or communication of real estate appraisals as
25 provided in Section 10-10 of this Act or as defined by
26 rule.

1 (7) Failing or refusing without good cause to exercise
2 reasonable diligence in developing, reporting, or
3 communicating an appraisal, as defined by this Act or by
4 rule.

5 (8) Violating a provision of this Act or the rules
6 adopted pursuant to this Act.

7 (9) Having been disciplined by another state, the
8 District of Columbia, a territory, a foreign nation, a
9 governmental agency, or any other entity authorized to
10 impose discipline if at least one of the grounds for that
11 discipline is the same as or the equivalent of one of the
12 grounds for which a licensee may be disciplined under this
13 Act.

14 (10) Engaging in dishonorable, unethical, or
15 unprofessional conduct of a character likely to deceive,
16 defraud, or harm the public.

17 (11) Accepting an appraisal assignment when the
18 employment itself is contingent upon the appraiser
19 reporting a predetermined estimate, analysis, or opinion
20 or when the fee to be paid is contingent upon the opinion,
21 conclusion, or valuation reached or upon the consequences
22 resulting from the appraisal assignment.

23 (12) Developing valuation conclusions based on the
24 race, color, religion, sex, national origin, ancestry,
25 age, marital status, family status, physical or mental
26 disability, sexual orientation, pregnancy, order of

1 protection status, military status, or unfavorable
2 military discharge, as defined under the Illinois Human
3 Rights Act, of the prospective or present owners or
4 occupants of the area or property under appraisal.

5 (13) Violating the confidential nature of government
6 records to which the licensee gained access through
7 employment or engagement as an appraiser by a government
8 agency.

9 (14) Being adjudicated liable in a civil proceeding on
10 grounds of fraud, misrepresentation, or deceit. In a
11 disciplinary proceeding based upon a finding of civil
12 liability, the appraiser shall be afforded an opportunity
13 to present mitigating and extenuating circumstances, but
14 may not collaterally attack the civil adjudication.

15 (15) Being adjudicated liable in a civil proceeding
16 for violation of a state or federal fair housing law.

17 (16) Engaging in misleading or untruthful advertising
18 or using a trade name or insignia of membership in a real
19 estate appraisal or real estate organization of which the
20 licensee is not a member.

21 (17) Failing to fully cooperate with a Department
22 investigation by knowingly making a false statement,
23 submitting false or misleading information, or refusing to
24 provide complete information in response to written
25 interrogatories or a written request for documentation
26 within 30 days of the request.

1 (18) Failing to include within the certificate of
2 appraisal for all written appraisal reports the
3 appraiser's license number and licensure title. All
4 appraisers providing significant contribution to the
5 development and reporting of an appraisal must be
6 disclosed in the appraisal report. It is a violation of
7 this Act for an appraiser to sign a report, transmittal
8 letter, or appraisal certification knowing that a person
9 providing a significant contribution to the report has not
10 been disclosed in the appraisal report.

11 (19) Violating the terms of a disciplinary order or
12 consent to administrative supervision order.

13 (20) Habitual or excessive use or addiction to
14 alcohol, narcotics, stimulants, or any other chemical
15 agent or drug that results in a licensee's inability to
16 practice with reasonable judgment, skill, or safety.

17 (21) A physical or mental illness or disability which
18 results in the inability to practice under this Act with
19 reasonable judgment, skill, or safety.

20 (22) Gross negligence in developing an appraisal or in
21 communicating an appraisal or failing to observe one or
22 more of the Uniform Standards of Professional Appraisal
23 Practice.

24 (23) A pattern of practice or other behavior that
25 demonstrates incapacity or incompetence to practice under
26 this Act.

1 (24) Using or attempting to use the seal, certificate,
2 or license of another as one's ~~his or her~~ own; falsely
3 impersonating any duly licensed appraiser; using or
4 attempting to use an inactive, expired, suspended, or
5 revoked license; or aiding or abetting any of the
6 foregoing.

7 (25) Solicitation of professional services by using
8 false, misleading, or deceptive advertising.

9 (26) Making a material misstatement in furnishing
10 information to the Department.

11 (27) Failure to furnish information to the Department
12 upon written request.

13 (b) The Department may reprimand suspend, revoke, or
14 refuse to issue or renew an education provider's license, may
15 reprimand, place on probation, or otherwise discipline an
16 education provider and may suspend or revoke the course
17 approval of any course offered by an education provider and
18 may impose an administrative fine not to exceed \$25,000 upon
19 an education provider, for any of the following:

20 (1) Procuring or attempting to procure licensure by
21 knowingly making a false statement, submitting false
22 information, engaging in any form of fraud or
23 misrepresentation, or refusing to provide complete
24 information in response to a question in an application
25 for licensure.

26 (2) Failing to comply with the covenants certified to

1 on the application for licensure as an education provider.

2 (3) Committing an act or omission involving
3 dishonesty, fraud, or misrepresentation or allowing any
4 such act or omission by any employee or contractor under
5 the control of the provider.

6 (4) Engaging in misleading or untruthful advertising.

7 (5) Failing to retain competent instructors in
8 accordance with rules adopted under this Act.

9 (6) Failing to meet the topic or time requirements for
10 course approval as the provider of a qualifying curriculum
11 course or a continuing education course.

12 (7) Failing to administer an approved course using the
13 course materials, syllabus, and examinations submitted as
14 the basis of the course approval.

15 (8) Failing to provide an appropriate classroom
16 environment for presentation of courses, with
17 consideration for student comfort, acoustics, lighting,
18 seating, workspace, and visual aid material.

19 (9) Failing to maintain student records in compliance
20 with the rules adopted under this Act.

21 (10) Failing to provide a certificate, transcript, or
22 other student record to the Department or to a student as
23 may be required by rule.

24 (11) Failing to fully cooperate with an investigation
25 by the Department by knowingly making a false statement,
26 submitting false or misleading information, or refusing to

1 provide complete information in response to written
2 interrogatories or a written request for documentation
3 within 30 days of the request.

4 (c) In appropriate cases, the Department may resolve a
5 complaint against a licensee through the issuance of a Consent
6 to Administrative Supervision order. A licensee subject to a
7 Consent to Administrative Supervision order shall be
8 considered by the Department as an active licensee in good
9 standing. This order shall not be reported or considered by
10 the Department to be a discipline of the licensee. The records
11 regarding an investigation and a Consent to Administrative
12 Supervision order shall be considered confidential and shall
13 not be released by the Department except as mandated by law. A
14 complainant shall be notified if the ~~his or her~~ complaint has
15 been resolved by a Consent to Administrative Supervision
16 order.

17 (Source: P.A. 97-602, eff. 8-26-11; 97-877, eff. 8-2-12;
18 98-1109, eff. 1-1-15.)

19 (225 ILCS 458/15-10.1 new)

20 Sec. 15-10.1. Citations.

21 (a) The Department may adopt rules to permit the issuance
22 of citations to any licensee for failure to comply with the
23 continuing education requirements set forth in this Act or as
24 established by rule. The citation shall be issued to the
25 licensee. For associate real estate trainee appraisers, a copy

1 shall also be sent to the licensee's supervising appraiser of
2 record. The citation shall contain the licensee's name, the
3 licensee's address, the licensee's license number, the number
4 of required hours of continuing education that have not been
5 successfully completed by the licensee within the renewal
6 period, and the penalty imposed, which shall not exceed
7 \$2,000. The issuance of a citation shall not excuse the
8 licensee from completing all continuing education required for
9 that renewal period.

10 (b) Service of a citation shall be made in person,
11 electronically, or by mail to the licensee at the licensee's
12 address of record or email address of record. Service of a
13 citation must clearly state that if the cited licensee wishes
14 to dispute the citation, the cited licensee may make a written
15 request, within 30 days after the citation is served, for a
16 hearing before the Department. If the cited licensee does not
17 request a hearing within 30 days after the citation is served,
18 then the citation shall become a final, non-disciplinary
19 order, and any fine imposed is due and payable within 60 days
20 after that final order. If the cited licensee requests a
21 hearing within 30 days after the citation is served, the
22 Department shall afford the cited licensee a hearing conducted
23 in the same manner as a hearing provided for in this Act for
24 any violation of this Act and shall determine whether the
25 cited licensee committed the violation as charged and whether
26 the fine as levied is warranted. If the violation is found, any

1 fine shall constitute non-public discipline and be due and
2 payable within 30 days after the order of the Secretary, which
3 shall constitute a final order of the Department. No change in
4 license status may be made by the Department until a final
5 order of the Department has been issued.

6 (c) Payment of a fine that has been assessed pursuant to
7 this Section shall not constitute disciplinary action
8 reportable on the Department's website or elsewhere unless a
9 licensee has previously received 2 or more citations and been
10 assessed 2 or more fines.

11 (d) Nothing in this Section shall prohibit or limit the
12 Department from taking further action pursuant to this Act and
13 rules for additional, repeated, or continuing violations.

14 (225 ILCS 458/15-11 new)

15 Sec. 15-11. Illegal discrimination. When there has been
16 an adjudication in a civil or criminal proceeding that a
17 licensee has illegally discriminated while engaged in any
18 activity for which a license is required under this Act, the
19 Department, upon the recommendation of the Board as to the
20 extent of the suspension or revocation, shall suspend or
21 revoke the license of that licensee in a timely manner, unless
22 the adjudication is in the appeal process. When there has been
23 an order in an administrative proceeding finding that a
24 licensee has illegally discriminated while engaged in any
25 activity for which a license is required under this Act, the

1 Department, upon recommendation of the Board as to the nature
2 and extent of the discipline, shall take one or more of the
3 disciplinary actions provided for in Section 15-10 in a timely
4 manner, unless the administrative order is in the appeal
5 process.

6 (225 ILCS 458/15-15)

7 (Section scheduled to be repealed on January 1, 2022)

8 Sec. 15-15. Investigation; notice; hearing.

9 (a) Upon the motion of the Department or the Board or upon
10 a complaint in writing of a person setting forth facts that, if
11 proven, would constitute grounds for suspension, revocation,
12 or other disciplinary action against a licensee or applicant
13 for licensure, the Department shall investigate the actions of
14 the licensee or applicant. If, upon investigation, the
15 Department believes that there may be cause for suspension,
16 revocation, or other disciplinary action, the Department shall
17 use the services of a State certified general real estate
18 appraiser, a State certified residential real estate
19 appraiser, or the Real Estate Coordinator to assist in
20 determining whether grounds for disciplinary action exist
21 prior to commencing formal disciplinary proceedings.

22 (b) Formal disciplinary proceedings shall commence upon
23 the issuance of a written complaint describing the charges
24 that are the basis of the disciplinary action and delivery of
25 the detailed complaint to the address of record of the

1 licensee or applicant. For an associate real estate trainee
2 appraiser, a copy shall also be sent to the licensee's
3 supervising appraiser of record. The Department shall notify
4 the licensee or applicant to file a verified written answer
5 within 20 days after the service of the notice and complaint.
6 The notification shall inform the licensee or applicant of the
7 ~~his or her~~ right to be heard in person or by legal counsel;
8 that the hearing will be afforded not sooner than 20 ~~30~~ days
9 after service of the complaint; that failure to file an answer
10 will result in a default being entered against the licensee or
11 applicant; that the license may be suspended, revoked, or
12 placed on probationary status; and that other disciplinary
13 action may be taken pursuant to this Act, including limiting
14 the scope, nature, or extent of the licensee's practice. If
15 the licensee or applicant fails to file an answer after
16 service of notice, the respective ~~his or her~~ license may, at
17 the discretion of the Department, be suspended, revoked, or
18 placed on probationary status and the Department may take
19 whatever disciplinary action it deems proper, including
20 limiting the scope, nature, or extent of the person's
21 practice, without a hearing.

22 (c) At the time and place fixed in the notice, the Board
23 shall conduct hearing of the charges, providing both the
24 accused person and the complainant ample opportunity to
25 present in person or by counsel such statements, testimony,
26 evidence, and argument as may be pertinent to the charges or to

1 a defense thereto.

2 (d) The Board shall present to the Secretary a written
3 report of its findings of fact and recommendations. A copy of
4 the report shall be served upon the licensee or applicant,
5 either personally, ~~or by certified mail, or, at the discretion~~
6 of the Department, by electronic means. For associate real
7 estate trainee appraisers, a copy shall also be sent to the
8 licensee's supervising appraiser of record. Within 20 days
9 after the service, the licensee or applicant may present the
10 Secretary with a motion in writing for ~~either a rehearing, a~~
11 ~~proposed finding of fact, a conclusion of law, or an~~
12 ~~alternative sanction,~~ and shall specify the particular grounds
13 for the request. If the accused orders a transcript of the
14 record as provided in this Act, the time elapsing thereafter
15 and before the transcript is ready for delivery to the accused
16 shall not be counted as part of the 20 days. If the Secretary
17 is not satisfied that substantial justice has been done, the
18 Secretary may order a rehearing by the Board or other special
19 committee appointed by the Secretary, may remand the matter to
20 the Board for its reconsideration of the matter based on the
21 pleadings and evidence presented to the Board, or may enter a
22 final order in contravention of the Board's recommendation.
23 Notwithstanding a licensee's or applicant's failure to file a
24 motion for rehearing, the Secretary shall have the right to
25 take any of the actions specified in this subsection (d). Upon
26 the suspension or revocation of a license, the licensee shall

1 be required to surrender the respective ~~his or her~~ license to
2 the Department, and upon failure or refusal to do so, the
3 Department shall have the right to seize the license.

4 (e) The Department has the power to issue subpoenas and
5 subpoenas duces tecum to bring before it any person in this
6 State, to take testimony, or to require production of any
7 records relevant to an inquiry or hearing by the Board in the
8 same manner as prescribed by law in judicial proceedings in
9 the courts of this State. In a case of refusal of a witness to
10 attend, testify, or to produce books or papers concerning a
11 matter upon which the witness ~~he or she~~ might be lawfully
12 examined, the circuit court of the county where the hearing is
13 held, upon application of the Department or any party to the
14 proceeding, may compel obedience by proceedings as for
15 contempt.

16 (f) Any license that is ~~suspended indefinitely or~~ revoked
17 may not be restored for a minimum period of 3 ~~2~~ years, ~~or as~~
18 ~~otherwise ordered by the Secretary.~~

19 (g) In addition to the provisions of this Section
20 concerning the conduct of hearings and the recommendations for
21 discipline, the Department has the authority to negotiate
22 disciplinary and non-disciplinary settlement agreements
23 concerning any license issued under this Act. All such
24 agreements shall be recorded as Consent Orders or Consent to
25 Administrative Supervision Orders.

26 (h) The Secretary shall have the authority to appoint an

1 attorney duly licensed to practice law in the State of
2 Illinois to serve as the hearing officer in any action to
3 suspend, revoke, or otherwise discipline any license issued by
4 the Department. The Hearing Officer shall have full authority
5 to conduct the hearing.

6 (i) The Department, at its expense, shall preserve a
7 record of all formal hearings of any contested case involving
8 the discipline of a license. At all hearings or pre-hearing
9 conferences, the Department and the licensee shall be entitled
10 to have the proceedings transcribed by a certified shorthand
11 reporter. A copy of the transcribed proceedings shall be made
12 available to the licensee by the certified shorthand reporter
13 upon payment of the prevailing contract copy rate.

14 (Source: P.A. 100-831, eff. 1-1-19.)

15 (225 ILCS 458/15-55)

16 (Section scheduled to be repealed on January 1, 2022)

17 Sec. 15-55. Checks, credit card charges, or orders to
18 Department dishonored because of insufficient funds. Any
19 person who:

20 (1) delivers a check or other payment to the
21 Department that is returned to the Department unpaid by
22 the financial institution upon which it was drawn; or

23 (2) presents a credit card or debit card for payment
24 that is invalid or expired or against which charges by the
25 Department are declined or dishonored;

1 shall pay to the Department, in addition to the amount already
2 owed to the Department, a fine of \$50. The fines imposed by
3 this Section are in addition to any other discipline provided
4 under this Act for unlicensed practice or practice on a
5 non-renewed license. The Department shall notify the applicant
6 or licensee that payment of fees and fines shall be paid to the
7 Department by certified check or money order within 30
8 calendar days after the notification. If, after the expiration
9 of 30 days from the date of the notification, the person has
10 failed to submit the necessary remittance, the Department
11 shall automatically terminate the license or deny the
12 application, without hearing. After ~~If, after~~ termination or
13 denial, the person seeking ~~seeks~~ a license, ~~he or she~~ must
14 apply to the Department for restoration or issuance of the
15 license and pay all fees and fines due to the Department. The
16 Department may establish a fee for the processing of an
17 application for restoration of a license to pay all of the
18 expenses of processing the application. The Secretary may
19 waive the fines due under this Section in individual cases
20 where the Secretary finds that the penalties or fines would be
21 unreasonable or unnecessarily burdensome.

22 (Source: P.A. 96-844, eff. 12-23-09.)

23 (225 ILCS 458/20-5)

24 (Section scheduled to be repealed on January 1, 2022)

25 Sec. 20-5. Education providers.

1 (a) No person shall operate an education provider entity
2 without possessing an active license issued by the Department.
3 ~~Only Beginning July 1, 2002, only~~ education providers licensed
4 or otherwise approved by the Department may provide the
5 qualifying and continuing education courses required for
6 licensure under this Act. Every person that desires to obtain
7 an education provider license shall make application to the
8 Department in a manner prescribed by the Department and pay
9 the fee prescribed by rule.

10 (b) A person or entity seeking to be licensed as an
11 education provider under this Act shall provide satisfactory
12 evidence of the following:

13 (1) a sound financial base for establishing,
14 promoting, and delivering the necessary courses;

15 (2) (blank); ~~a sufficient number of qualified~~
16 ~~instructors;~~

17 (3) (blank); ~~adequate support personnel to assist with~~
18 ~~administrative matters and technical assistance;~~

19 (4) (blank); ~~a written policy dealing with procedures~~
20 ~~for management of grievances and fee refunds;~~

21 (5) a qualified administrator, who is responsible for
22 the administration of the education provider, courses, and
23 the actions of the instructors; ~~and~~

24 (6) any other requirements as provided by rule; and-

25 (7) proof of good standing with the Secretary of State
26 and authority to conduct businesses in this State.

1 (c) All applicants for an education provider's license
2 shall make initial application to the Department on forms
3 provided by the Department, or through a multi-state licensing
4 system as designated by the Secretary, and pay the appropriate
5 fee as provided by rule. The term, expiration date, and
6 renewal of an education provider's license shall be
7 established by rule.

8 (d) An education provider shall provide each successful
9 course participant with a certificate of completion signed by
10 the school administrator. The format and content of the
11 certificate shall be specified by rule.

12 (e) All education providers shall provide to the
13 Department a monthly roster of all successful course
14 participants as provided by rule.

15 (Source: P.A. 100-604, eff. 7-13-18.)

16 (225 ILCS 458/20-10)

17 (Section scheduled to be repealed on January 1, 2022)

18 Sec. 20-10. Course approval.

19 (a) Only courses offered by licensed education providers
20 and approved by the Department, courses approved by the AQB,
21 or courses approved by jurisdictions monitored ~~regulated~~ by
22 the Appraisal Subcommittee shall be used to meet the
23 requirements of this Act and rules.

24 (b) An education provider licensed under this Act may
25 submit courses to the Department, or through a multi-state

1 licensing system as designated by the Secretary, for approval.
2 The criteria, requirements, and fees for courses shall be
3 established by rule in accordance with this Act and the
4 criteria established by the AQB.

5 (c) For each course approved, the Department shall issue a
6 license to the education provider. The term, expiration date,
7 and renewal of a course approval shall be established by rule.

8 (d) An education provider must use an instructor for each
9 course approved by the Department who (i) holds a valid real
10 estate appraisal license in good standing as a State certified
11 general real estate appraiser or a State certified residential
12 real estate appraiser in Illinois or any other jurisdiction
13 monitored by the Appraisal Subcommittee, (ii) holds a valid
14 teaching certificate issued by the State of Illinois, or (iii)
15 is a faculty member in good standing with an accredited
16 college or university or community college, or (iv) satisfies
17 requirements established by rule ~~is an approved appraisal~~
18 ~~instructor from an appraisal organization that is a member of~~
19 ~~the Appraisal Foundation.~~

20 (Source: P.A. 100-604, eff. 7-13-18.)

21 (225 ILCS 458/25-10)

22 (Section scheduled to be repealed on January 1, 2022)

23 Sec. 25-10. Real Estate Appraisal Administration and
24 Disciplinary Board; appointment.

25 (a) There is hereby created the Real Estate Appraisal

1 Administration and Disciplinary Board. The Board shall be
2 composed of the Coordinator and 10 persons appointed by the
3 Governor, ~~plus the Coordinator of the Real Estate Appraisal~~
4 ~~Division~~. Members shall be appointed to the Board subject to
5 the following conditions:

6 (1) All appointed members shall have been residents
7 and citizens of this State for at least 5 years prior to
8 the date of appointment.

9 (2) The appointed membership of the Board should
10 reasonably reflect the geographic distribution of the
11 population of the State.

12 (3) Four appointed members shall have been actively
13 engaged and currently licensed as State certified general
14 real estate appraisers for a period of not less than 5
15 years.

16 (4) Three ~~Two~~ appointed members shall have been
17 actively engaged and currently licensed as State certified
18 residential real estate appraisers for a period of not
19 less than 5 years.

20 (5) One ~~Two~~ appointed member ~~members~~ shall hold a
21 valid license as a real estate broker for at least 3 ~~10~~
22 years prior to the date of the appointment and, ~~one of whom~~
23 shall hold either a valid State certified general real
24 estate appraiser license or a valid State certified
25 residential appraiser license issued under this Act or a
26 predecessor Act for a period of at least 5 years prior to

1 the appointment ~~and one of whom shall hold a valid State~~
2 ~~certified residential real estate appraiser license issued~~
3 ~~under this Act or a predecessor Act for a period of at~~
4 ~~least 5 years prior to the appointment.~~

5 (6) One appointed member shall be a representative of
6 a financial institution, as evidenced by proof of ~~his or~~
7 ~~her~~ employment with a financial institution.

8 (7) One appointed member shall represent the interests
9 of the general public. This member or the member's ~~his or~~
10 ~~her~~ spouse shall not be licensed under this Act nor be
11 employed by or have any financial interest in an appraisal
12 business, appraisal management company, real estate
13 brokerage business, or a financial institution.

14 In making appointments as provided in paragraphs (3) and
15 (4) of this subsection, the Governor shall give due
16 consideration to recommendations by members and organizations
17 representing the profession.

18 In making the appointments as provided in paragraph (5) of
19 this subsection, the Governor shall give due consideration to
20 the recommendations by members and organizations representing
21 the real estate industry.

22 In making the appointment as provided in paragraph (6) of
23 this subsection, the Governor shall give due consideration to
24 the recommendations by members and organizations representing
25 financial institutions.

26 (b) The members' terms shall be for 4 years or until a

1 ~~successor is appointed and expire upon completion of the term.~~

2 No member shall be reappointed to the Board for a term that
3 would cause the member's ~~his or her~~ cumulative service to the
4 Board to exceed 10 years. Appointments to fill vacancies shall
5 be for the unexpired portion of the term.

6 (c) The Governor may terminate the appointment of a member
7 for cause that, in the opinion of the Governor, reasonably
8 justifies the termination. Cause for termination may include,
9 without limitation, misconduct, incapacity, neglect of duty,
10 or missing 4 Board meetings during any one fiscal ~~calendar~~
11 year.

12 (d) A majority of the Board members shall constitute a
13 quorum. A vacancy in the membership of the Board shall not
14 impair the right of a quorum to exercise all of the rights and
15 perform all of the duties of the Board.

16 (e) The Board shall meet at least monthly ~~quarterly~~ and
17 may be convened by the Chairperson, Vice-Chairperson, or 3
18 members of the Board upon 10 days written notice.

19 (f) The Board shall, annually at the first meeting of the
20 fiscal year, elect a Chairperson and Vice-Chairperson from its
21 members. The Chairperson shall preside over the meetings and
22 shall coordinate with the Coordinator in developing and
23 distributing an agenda for each meeting. In the absence of the
24 Chairperson, the Vice-Chairperson shall preside over the
25 meeting.

26 (g) The Coordinator ~~of the Real Estate Appraisal Division~~

1 shall serve as a member of the Board without vote.

2 (h) The Board shall advise and make recommendations to the
3 Department on the education and experience qualifications of
4 any applicant for initial licensure as a State certified
5 general real estate appraiser or a State certified residential
6 real estate appraiser. The Department shall not make any
7 decisions concerning education or experience qualifications of
8 an applicant for initial licensure as a State certified
9 general real estate appraiser or a State certified residential
10 real estate appraiser without having first received the advice
11 and recommendation of the Board and shall give due
12 consideration to all such advice and recommendations; however,
13 if the Board does not render advice or make a recommendation
14 within a reasonable amount of time, then the Department may
15 render a decision.

16 (i) Except as provided in Section 15-17 of this Act, the
17 Board shall hear and make recommendations to the Secretary on
18 disciplinary matters that require a formal evidentiary
19 hearing. The Secretary shall give due consideration to the
20 recommendations of the Board involving discipline and
21 questions involving standards of professional conduct of
22 licensees.

23 (j) The Department shall seek and the Board shall provide
24 recommendations to the Department consistent with the
25 provisions of this Act and for the administration and
26 enforcement of all rules adopted pursuant to this Act. The

1 Department shall give due consideration to such
2 recommendations prior to adopting rules.

3 (k) The Department shall seek and the Board shall provide
4 recommendations to the Department on the approval of all
5 courses submitted to the Department pursuant to this Act and
6 the rules adopted pursuant to this Act. The Department shall
7 not approve any courses without having first received the
8 recommendation of the Board and shall give due consideration
9 to such recommendations prior to approving and licensing
10 courses; however, if the Board does not make a recommendation
11 within a reasonable amount of time, then the Department may
12 approve courses.

13 (l) Each voting member of the Board shall receive a per
14 diem stipend in an amount to be determined by the Secretary.
15 While engaged in the performance of duties, each ~~Each~~ member
16 shall be paid the ~~his or her~~ necessary expenses ~~while engaged~~
17 ~~in the performance of his or her duties.~~

18 (m) Members of the Board shall be immune from suit in an
19 action based upon any disciplinary proceedings or other acts
20 performed in good faith as members of the Board.

21 (n) If the Department disagrees with any advice or
22 recommendation provided by the Board under this Section to the
23 Secretary or the Department, then notice of such disagreement
24 must be provided to the Board by the Department.

25 (o) (Blank). ~~Upon resolution adopted at any Board meeting,~~
26 ~~the exercise of any Board function, power, or duty enumerated~~

1 ~~in this Section or in subsection (d) of Section 15-10 of this~~
2 ~~Act may be suspended. The exercise of any suspended function,~~
3 ~~power, or duty of the Board may be reinstated by a resolution~~
4 ~~adopted at a subsequent Board meeting. Any resolution adopted~~
5 ~~pursuant to this Section shall take effect immediately.~~

6 (Source: P.A. 100-886, eff. 8-14-18.)

7 (225 ILCS 458/25-15)

8 (Section scheduled to be repealed on January 1, 2022)

9 Sec. 25-15. ~~Coordinator of~~ Real Estate Appraisal
10 Coordinator; appointment; duties. The Secretary shall appoint,
11 ~~subject to the Personnel Code,~~ a ~~Coordinator of Real Estate~~
12 ~~Appraisal~~. In appointing the Coordinator, the Secretary shall
13 give due consideration to recommendations made by members,
14 organizations, and associations of the real estate appraisal
15 industry. ~~The~~ On or after January 1, 2010, the Coordinator
16 must hold a current, valid State certified general real estate
17 appraiser license for a period of at least 5 years prior to
18 appointment. The Coordinator shall not practice during the
19 term of the ~~his or her~~ appointment. ~~The Coordinator must take~~
20 ~~the 30-hour National Instructors Course on Uniform Standards~~
21 ~~of Professional Appraisal Practice~~. The Coordinator shall be
22 credited with all fees that came due during the Coordinator's
23 ~~his or her~~ employment. The Coordinator shall:

24 (1) serve as a member of the Real Estate Appraisal
25 Administration and Disciplinary Board without vote;

1 (2) be the direct liaison between the Department, the
2 profession, and the real estate appraisal industry
3 organizations and associations;

4 (3) prepare and circulate to licensees such
5 educational and informational material as the Department
6 deems necessary for providing guidance or assistance to
7 licensees;

8 (4) appoint necessary committees to assist in the
9 performance of the functions and duties of the Department
10 under this Act;

11 (5) (blank); and

12 (6) be authorized to investigate and determine the
13 facts of a complaint; the coordinator may interview
14 witnesses, the complainant, and any licensees involved in
15 the alleged matter and make a recommendation as to the
16 findings of fact.

17 (Source: P.A. 97-602, eff. 8-26-11; 98-1109, eff. 1-1-15.)

18 (225 ILCS 458/25-16)

19 (Section scheduled to be repealed on January 1, 2022)

20 Sec. 25-16. Staff. The Department shall employ a minimum
21 of one investigator ~~with an active certified appraiser license~~
22 per 2,000 licensees in order to have sufficient staff to
23 perform the Department's obligations under this Act.

24 (Source: P.A. 100-832, eff. 1-1-19.)

1 (225 ILCS 458/25-20)

2 (Section scheduled to be repealed on January 1, 2022)

3 Sec. 25-20. Department; powers and duties. The Department
4 of Financial and Professional Regulation shall exercise the
5 powers and duties prescribed by the Civil Administrative Code
6 of Illinois for the administration of licensing Acts and shall
7 exercise such other powers and duties as are prescribed by
8 this Act for the administration of this Act. The Department
9 may contract with third parties for services necessary for the
10 proper administration of this Act, including without
11 limitation, investigators with the proper knowledge, training,
12 and skills to ~~properly~~ investigate complaints against real
13 estate appraisers.

14 The Department shall maintain and update a registry of the
15 names and addresses of all licensees and a listing of
16 disciplinary orders issued pursuant to this Act and shall
17 transmit the registry, along with any national registry fees
18 that may be required, to the entity specified by, and in a
19 manner consistent with, Title XI of the federal Financial
20 Institutions Reform, Recovery and Enforcement Act of 1989.

21 (Source: P.A. 96-844, eff. 12-23-09.)

22 (225 ILCS 458/25-25)

23 (Section scheduled to be repealed on January 1, 2022)

24 Sec. 25-25. Rules. The Department, after notifying and
25 considering any recommendations of the Board, if any, shall

1 adopt rules that may be necessary for administration,
2 implementation, and enforcement of the Act.

3 (Source: P.A. 96-844, eff. 12-23-09.)

4 (225 ILCS 458/25-35 new)

5 Sec. 25-35. No private right of action. Except as
6 otherwise expressly provided for in this Act, nothing in this
7 Act shall be construed to grant to any person a private right
8 of action to enforce the provisions of this Act or the rules
9 adopted under this Act.

10 (225 ILCS 458/30-5)

11 (Section scheduled to be repealed on January 1, 2022)

12 Sec. 30-5. Savings provisions.

13 (a) This Act is intended to replace the Real Estate
14 Appraiser Licensing Act in all respects.

15 (b) Beginning July 1, 2002, the rights, powers, and duties
16 exercised by the Office of Banks and Real Estate under the Real
17 Estate Appraiser Licensing Act shall continue to be vested in,
18 to be the obligation of, and to be exercised by the Division of
19 Real Estate of the Department of Financial and Professional
20 Regulation ~~Office of Banks and Real Estate~~ under the
21 provisions of this Act.

22 (c) This Act does not affect any act done, ratified, or
23 cancelled, any right occurring or established, or any action
24 or proceeding commenced in an administrative, civil, or

1 criminal cause before July 1, 2002 by the Office of Banks and
2 Real Estate under the Real Estate Appraiser Licensing Act.
3 Those actions or proceedings may be prosecuted and continued
4 by the Division of Real Estate of the Department of Financial
5 and Professional Regulation ~~Office of Banks and Real Estate~~
6 under this Act.

7 (d) This Act does not affect any license, certificate,
8 permit, or other form of licensure issued by the Office of
9 Banks and Real Estate under the Real Estate Appraiser
10 Licensing Act, except as provided is subsection (c) of Section
11 5-25. All such licenses, certificates, permits, or other form
12 of licensure shall continue to be valid under the terms and
13 conditions of this Act.

14 (e) The rules adopted by the Office of Banks and Real
15 Estate relating to the Real Estate Appraiser Licensing Act,
16 unless inconsistent with the provisions of this Act, are not
17 affected by this Act, and on July 1, 2002, those rules become
18 rules under this Act. ~~The Office of Banks and Real Estate~~
19 ~~shall, as soon as practicable, adopt new or amended rules~~
20 ~~consistent with the provisions of this Act.~~

21 (f) This Act does not affect any discipline, suspension,
22 or termination that has occurred under the Real Estate
23 Appraiser Licensing Act or other predecessor Act. Any action
24 for discipline, suspension, or termination instituted under
25 the Real Estate Appraiser Licensing Act shall be continued
26 under this Act.

1 (Source: P.A. 92-180, eff. 7-1-02.)

2 (225 ILCS 458/10-17 rep.)

3 (225 ILCS 458/30-10 rep.)

4 Section 15. The Real Estate Appraiser Licensing Act of
5 2002 is amended by repealing Sections 10-17 and 30-10.

6 Section 20. The Appraisal Management Company Registration
7 Act is amended by changing Sections 10 and 15 as follows:

8 (225 ILCS 459/10)

9 Sec. 10. Definitions. In this Act:

10 "Address of record" means the principal address recorded
11 by the Department in the applicant's or registrant's
12 application file or registration file maintained by the
13 Department's registration maintenance unit.

14 "Applicant" means a person or entity who applies to the
15 Department for a registration under this Act.

16 "Appraisal" means (noun) the act or process of developing
17 an opinion of value; an opinion of value (adjective) of or
18 pertaining to appraising and related functions.

19 "Appraisal firm" means an appraisal entity that is 100%
20 owned and controlled by a person or persons licensed in
21 Illinois as a certified general real estate appraiser or a
22 certified residential real estate appraiser. An appraisal firm
23 does not include an appraisal management company.

1 "Appraisal management company" means any corporation,
2 limited liability company, partnership, sole proprietorship,
3 subsidiary, unit, or other business entity that directly or
4 indirectly: (1) provides appraisal management services to
5 creditors or secondary mortgage market participants, including
6 affiliates; (2) provides appraisal management services in
7 connection with valuing the consumer's principal dwelling as
8 security for a consumer credit transaction (including consumer
9 credit transactions incorporated into securitizations); and
10 ~~(3) within a given year, oversees an appraiser panel of any~~
11 ~~size of State-certified appraisers in Illinois; and (4) any~~
12 appraisal management company that, within a given 12-month
13 period ~~year~~, oversees an appraiser panel of 16 or more
14 State-certified appraisers in Illinois or 25 or more
15 State-certified or State-licensed appraisers in 2 or more
16 jurisdictions ~~shall be subject to the appraisal management~~
17 ~~company national registry fee in addition to the appraiser~~
18 ~~panel fee~~. "Appraisal management company" includes a hybrid
19 entity.

20 "Appraisal management company national registry fee" means
21 the fee implemented pursuant to Title XI of the federal
22 Financial Institutions Reform, Recovery and Enforcement Act of
23 1989 for an appraiser management company's national registry.

24 "Appraisal management services" means one or more of the
25 following:

- 26 (1) recruiting, selecting, and retaining appraisers;

1 (2) contracting with State-certified or State-licensed
2 appraisers to perform appraisal assignments;

3 (3) managing the process of having an appraisal
4 performed, including providing administrative services
5 such as receiving appraisal orders and appraisal reports;
6 submitting completed appraisal reports to creditors and
7 secondary market participants; collecting compensation
8 from creditors, underwriters, or secondary market
9 participants for services provided; or paying appraisers
10 for services performed; or

11 (4) reviewing and verifying the work of appraisers.

12 "Appraiser panel" means a network, list, or roster of
13 licensed or certified appraisers approved by the appraisal
14 management company or by the end-user client to perform
15 appraisals as independent contractors for the appraisal
16 management company. "Appraiser panel" includes both appraisers
17 accepted by an appraisal management company for consideration
18 for future appraisal assignments and appraisers engaged by an
19 appraisal management company to perform one or more
20 appraisals. For the purposes of determining the size of an
21 appraiser panel, only independent contractors of hybrid
22 entities shall be counted towards the appraiser panel.

23 "Appraiser panel fee" means the amount collected from a
24 registrant that, where applicable, includes an appraisal
25 management company's national registry fee.

26 "Appraisal report" means a written appraisal by an

1 appraiser to a client.

2 "Appraisal practice service" means valuation services
3 performed by an individual acting as an appraiser, including,
4 but not limited to, appraisal or appraisal review.

5 "Appraisal subcommittee" means the appraisal subcommittee
6 of the Federal Financial Institutions Examination Council as
7 established by Title XI.

8 "Appraiser" means a person who performs real estate or
9 real property appraisals.

10 "Assignment result" means an appraiser's opinions and
11 conclusions developed specific to an assignment.

12 "Audit" includes, but is not limited to, an annual or
13 special audit, visit, or review necessary under this Act or
14 required by the Secretary or the Secretary's authorized
15 representative in carrying out the duties and responsibilities
16 under this Act.

17 "Client" means the party or parties who engage an
18 appraiser by employment or contract in a specific appraisal
19 assignment.

20 "Controlling Person" means:

21 (1) an owner, officer, or director of an entity
22 seeking to offer appraisal management services;

23 (2) an individual employed, appointed, or authorized
24 by an appraisal management company who has the authority
25 to:

26 (A) enter into a contractual relationship with a

1 client for the performance of an appraisal management
2 service or appraisal practice service; and

3 (B) enter into an agreement with an appraiser for
4 the performance of a real estate appraisal activity;

5 (3) an individual who possesses, directly or
6 indirectly, the power to direct or cause the direction of
7 the management or policies of an appraisal management
8 company; or

9 (4) an individual who will act as the sole compliance
10 officer with regard to this Act and any rules adopted
11 under this Act.

12 ~~"Coordinator" means the Coordinator of the Appraisal
13 Management Company Registration Unit of the Department or his
14 or her designee.~~

15 "Covered transaction" means a consumer credit transaction
16 secured by a consumer's principal dwelling.

17 "Department" means the Department of Financial and
18 Professional Regulation.

19 "Email address of record" means the designated email
20 address recorded by the Department in the applicant's
21 application file or the registrant's registration file
22 maintained by the Department's registration maintenance unit.

23 "Entity" means a corporation, a limited liability company,
24 partnership, a sole proprietorship, or other entity providing
25 services or holding itself out to provide services as an
26 appraisal management company or an appraisal management

1 service.

2 "End-user client" means any person who utilizes or engages
3 the services of an appraiser through an appraisal management
4 company.

5 "Federally regulated appraisal management company" means
6 an appraisal management company that is owned and controlled
7 by an insured depository institution, as defined in 12 U.S.C.
8 1813, or an insured credit union, as defined in 12 U.S.C. 1752,
9 and regulated by the Office of the Comptroller of the
10 Currency, the Federal Reserve Board, the National Credit Union
11 Association, or the Federal Deposit Insurance Corporation.

12 "Financial institution" means any bank, savings bank,
13 savings and loan association, credit union, mortgage broker,
14 mortgage banker, registrant under the Consumer Installment
15 Loan Act or the Sales Finance Agency Act, or a corporate
16 fiduciary, subsidiary, affiliate, parent company, or holding
17 company of any registrant, or any institution involved in real
18 estate financing that is regulated by State or federal law.

19 "Foreign appraisal management company" means any appraisal
20 management company organized under the laws of any other state
21 of the United States, the District of Columbia, or any other
22 jurisdiction of the United States.

23 "Hybrid entity" means an appraisal management company that
24 hires an appraiser as an employee to perform an appraisal and
25 engages an independent contractor to perform an appraisal.

26 "Multi-state licensing system" means a web-based platform

1 that allows an applicant to submit the ~~his or her~~ application
2 or registration renewal to the Department online.

3 "Person" means individuals, entities, sole
4 proprietorships, corporations, limited liability companies,
5 and alien, foreign, or domestic partnerships, except that when
6 the context otherwise requires, the term may refer to a single
7 individual or other described entity.

8 "Principal dwelling" means a residential structure that
9 contains one to 4 units, whether or not that structure is
10 attached to real property. "Principal dwelling" includes an
11 individual condominium unit, cooperative unit, manufactured
12 home, mobile home, and trailer, if it is used as a residence.

13 "Principal office" means the actual, physical business
14 address, which shall not be a post office box or a virtual
15 business address, of a registrant, at which (i) the Department
16 may contact the registrant and (ii) records required under
17 this Act are maintained.

18 "Qualified to transact business in this State" means being
19 in compliance with the requirements of the Business
20 Corporation Act of 1983.

21 "Quality control review" means a review of an appraisal
22 report for compliance and completeness, including grammatical,
23 typographical, or other similar errors, unrelated to
24 developing an opinion of value.

25 "Real estate" means an identified parcel or tract of land,
26 including any improvements.

1 "Real estate related financial transaction" means any
2 transaction involving:

3 (1) the sale, lease, purchase, investment in, or
4 exchange of real property, including interests in property
5 or the financing thereof;

6 (2) the refinancing of real property or interests in
7 real property; and

8 (3) the use of real property or interest in property
9 as security for a loan or investment, including mortgage
10 backed securities.

11 "Real property" means the interests, benefits, and rights
12 inherent in the ownership of real estate.

13 "Secretary" means the Secretary of Financial and
14 Professional Regulation.

15 "USPAP" means the Uniform Standards of Professional
16 Appraisal Practice as adopted by the Appraisal Standards Board
17 under Title XI.

18 "Valuation" means any estimate of the value of real
19 property in connection with a creditor's decision to provide
20 credit, including those values developed under a policy of a
21 government sponsored enterprise or by an automated valuation
22 model or other methodology or mechanism.

23 "Written notice" means a communication transmitted by mail
24 or by electronic means that can be verified between an
25 appraisal management company and a licensed or certified real
26 estate appraiser.

1 (Source: P.A. 100-604, eff. 7-13-18.)

2 (225 ILCS 459/15)

3 Sec. 15. Exemptions.

4 (a) Nothing in this Act shall apply to any of the
5 following:

6 (1) an agency of the federal, State, county, or
7 municipal government or an officer or employee of a
8 government agency, or person, described in this Section
9 when acting within the scope of employment of the officer
10 or employee;

11 (2) a corporate relocation company when the appraisal
12 is not used for mortgage purposes and the end user client
13 is an employer company;

14 (3) any person licensed in this State under any other
15 Act while engaged in the activities or practice for which
16 he or she is licensed;

17 (4) any person licensed to practice law in this State
18 who is working with or on behalf of a client of that person
19 in connection with one or more appraisals for that client;

20 (5) an appraiser that enters into an agreement,
21 whether written or otherwise, with another appraiser for
22 the performance of an appraisal, and upon the completion
23 of the appraisal, the report of the appraiser performing
24 the appraisal is signed by both the appraiser who
25 completed the appraisal and the appraiser who requested

1 the completion of the appraisal, except that an appraisal
2 management company may not avoid the requirement of
3 registration under this Act by requiring an employee of
4 the appraisal management company who is an appraiser to
5 sign an appraisal that was completed by another appraiser
6 who is part of the appraisal panel of the appraisal
7 management company;

8 (6) any person acting as an agent of the Illinois
9 Department of Transportation in the acquisition or
10 relinquishment of land for transportation issues to the
11 extent of their contract scope;

12 (7) a design professional entity when the appraisal is
13 not used for mortgage purposes and the end user client is
14 an agency of State government or a unit of local
15 government;

16 (8) an appraiser firm whose ownership is appropriately
17 certified under the Real Estate Appraiser Licensing Act of
18 2002; ~~or~~

19 (9) an appraisal management company solely engaged in
20 non-residential appraisal management services; or-

21 (10) a department or division of an entity that
22 provides appraisal management services only to that
23 entity.

24 (b) A federally regulated appraisal management company
25 shall register with the Department for the sole purpose of
26 collecting required information for, and to pay all fees

1 associated with, the State of Illinois' obligation to register
2 the federally regulated appraisal management company with the
3 Appraisal Management Companies National Registry, but the
4 federally regulated appraisal management company is otherwise
5 exempt from all other provisions in this Act.

6 (c) In the event that the Final Interim Rule of the federal
7 Dodd-Frank Wall Street Reform and Consumer Protection Act
8 provides that an appraisal management company is a subsidiary
9 owned and controlled by a financial institution regulated by a
10 federal financial institution's regulatory agency and is
11 exempt from State appraisal management company registration
12 requirements, the Department, shall, by rule, provide for the
13 implementation of such an exemption.

14 (Source: P.A. 100-604, eff. 7-13-18.)

15 Section 99. Effective date. This Act takes effect January
16 1, 2022, except that Section 5 and this Section take effect
17 immediately.".